

Ex. # 1275

The Investigation Committee on the Conclusion of a
Treaty Between Japan and Thailand Concerning Thai
Territory in Malaya and Shan Areas.

Held in Room 3, East, in the Palace on the 18th August, 1943 (Wed.)

Those Present:

President	HARA
Chief of the Committee, Vice President	SUZUKI
COMMITTEE MEMBER	
Councillor	ARIMA
"	KUBOTA
"	SHIMIZU
"	MINAMI (Hiroshi)
"	NARA
"	SUGAWARA
"	MATSUURA
"	USHIO
"	HAYASHI
"	FUKAI
"	FUTAGAMI
"	OBATA
"	TAKEGOSHI
"	MITSUCHI
"	IKEDA
"	MINAMI (Jiro)
"	MOTOJI
"	HIRAO

ABSENTEES

Councillor	ISHII
"	MATSUI
"	MANO
"	OSHIMA
"	IZAWA

STATE MINISTERS

Prime Minister and War Minister	TOJO
Greater East Asia Minister	AOKI
Foreign Minister	SHIGEMITSU

EXPOSITORS

Director of the Bureau of Legislation	MORIYAMA
Secretary of the Bureau of Legislation	SATO
" " "	MIYAUCHI
Director of the Bureau of Administration, Foreign Ministry	KAMIMURA
Director of the Treaty Bureau, Foreign Ministry	ANDO
Secretary Foreign Ministry	SONE
" " "	MATSUDAIRA
" " "	SUYAMA
Director of the Bureau of Military Affairs, War Ministry	SATO
Chief of the Military Affairs Section, Bureau of Military Affairs	SAKAKIBARA
Director of the Navy Affairs Bureau	OKA
Director of General Affairs Bureau, Greater East Asia Ministry	TAKEUCHI
Director of the Bureau of Southern Affairs, Greater East Asia Ministry	MIZUNO
Secretary of the Greater East Asia Ministry	HAGIWARA
" " "	YAMADA
" " "	MIYAKE
Chief Secretary of the Privy Council	HORIE
Secretary of the Privy Council	MOROHASHI
" " "	TAKATSUJI

(OPENED AT 9 A.M.)

SUZUKI, Chief of the Committee, called the meeting to order. Premier TOJO explained the circumstances that led to the conclusion of this treaty while Foreign Minister SHIGEMITSU explained the contents of this draft. Foreign Minister SHIGEMITSU then reported the recent international situation centering upon Italy.

KUBOTA, a member of the committee, raised a question concerning the exchange document referred to in the draft, and AOKI, Greater East Asia Minister, made the reply. SHIMIZU, a member, asked whether there was any dissatisfaction on the part of Burma due to Japanese approval of the annexation of the two Shan states by Thailand, and whether there was any request on the part of Thailand for the re-acquisition of Penang Island and the State of Wellesley, both of which she had lost in Malaya but had not been included in the present annexation plan. In reply to this question, Premier TOJO related the circumstances when he had made the proposi-

in his interviews with BA MAW at Singapore and Phibun at Bangkok during his trip South. He stated that although Ba Maw had shown no sign of dissatisfaction regarding Thailand's annexation of the two Shan States, uneasiness might be entertained by the natives, and that therefore nothing should be left to be desired in Japan's future policies. He further explained that because only a few years had passed since Thailand's cession of the territories which she was about to reacquire, her desires had been very strong. He explained that it was for this reason that Japan was trying to recognize Thailand's reacquisition of these territories, and that the present measures taken toward the four Malay states seemed to be a surprise to Thailand, Phibun's face was full of joy.

SHIMIZU further asked which would be the ^{either} authorized text in case a difference of interpretation should arise in the Thai and Japanese text; ANDO, Director of the Treaty Bureau, replied that though it would be decided through diplomatic negotiations, in reality it should be decided according to the Japanese text.

Then MINAMI, a member of the committee, inquired what meaning such an action would have by International Law. MORIYAMA, Director of the Bureau of Legislation, replied that it was the popular opinion according to International Law that occupying nations had no territorial rights in occupied areas, and therefore such treaties for territorial cession in the occupied area should not be concluded. However, on the other hand as an occupying nation was conducting the administration for occupied areas, in other words, military administration, and as there was no special regulation stipulating that we should continue this condition forever, it should be perfectly all right to agree that there would be no objections to our abolishing the military administration in the occupied areas and letting a third power annex such territories. He explained that the treaty between Japan and Thailand would be concluded in this spirit. A reply was made by Premier TOJO to the effect that the Japanese Army already firmly believed that this was Japan's territory and that the measure for this draft should be taken according to this firm conviction.

Minami further questioned why the Government had not asked the Emperor for consultation at this Council on the Exchange Document referred to in this draft. In reply to this question, AOKI, Greater East Asia Minister, said that as it was agreed in detail in Article V of the Treaty, there was no need to take such a proceeding. USHIO, a member of the committee, questioned why the date of enforcement, date of sealing, and the date of signature were separately stipulated in Articles III, IV and VI, respectively, in this treaty. ANDO, Director of the Treaty Bureau, Foreign Ministry, replied that though the three different dates would be the same in the end, they had just observed the conventional phraseology used in international treaties.

HAYASHI, a member of the committee, asked whether the Government intended to consider such measures provided in the Treaty as not being contrary to International Law. Premier TOJO answered that International Law should be observed so long as the enemy observed it; but that International Law should be interpreted from the viewpoint of executing the war according to our own opinions, and that he considered the present measure as being perfectly justified by International Law.

FUKAI, a member of the committee, asked a question as to the Exchange Document referred to in this draft. AOKI, Greater East Asia Minister, made the reply. FUTAGAMI, a member of the committee, stated that the expressions in Article I and II would be very weak if the Government was to cede the occupied areas to Thailand by considering these areas as part of Japanese territory, and he demanded the Government's opinion on it. Premier TOJO answered that the Government had used such expressions to avoid needless friction.

MITSUCHI, a member of the committee, inquired about the Exchange Document referred to in the draft and Premier TOJO made the explanation.

MOTOJI, a member of the committee, questioned as to the relation between the proposition formerly made by the Premier to Thailand and the conclusion of this Treaty. Premier TOJO answered that it was the cardinal point in politics not to lose an opportunity and therefore he had obtained the Emperor's sanction beforehand for making a proposal to Thailand. He said that a draft treaty had been prepared as a promise between the two countries and that the Emperor was being consulted at this Privy Council. He replied that the proceedings taken in the meantime were believed to be lawful.

After this, The Chairman of the Committee, SUZUKI, considering that all interpellations had been concluded, requested the withdrawal of the Ministers and Expositors.

(Ministers and Expositors withdrew)

Then, after deliberations among the members of the committee, this draft was decided on as it was and approved unanimously. The preparation of the investigation report was left to the Chairman.

Chairman SUZUKI declared the meeting adjourned.

(Adjourned at 11:25 A.M.).

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5-122

「マライ」及「ミヤン」地方ニ於ケル「タイ」國、領土ニ関
スル日本國「タイ」國同條約締結、件審査委員會

昭和十八年八月十八日（水曜）日宮中東三

間ニ於テ開會

出席者

原 議長

審査委員長

鈴木 副議長

審査委員

有馬 顧問官

室田 顧問官

清水 顧問官

南（弘） 顧問官

奈良 顧問官

菅原 顧問官

松浦 顧問官

林 顧問官

深井 顧問官

小二上 顧問官

竹越 顧問官

三土 顧問官

田 顧問官

顧問官

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Doc 1170

No. 1

5x1225

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深井 顧問官

小二 顧問官

幡上 顧問官

越 顧問官

竹 顧問官

三 顧問官

土 顧問官

田 顧問官

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No 2

南(次)顧問官

泉二顧問官

平生顧問官

缺席者

審査委員

石井顧問官

松井顧問官

真野顧問官

大島顧問官

伊澤顧問官

國務大臣

東條內閣總理大臣

兼陸軍大臣

青木大東亞大臣

重光外務大臣

説明員

森山法制局長官

佐藤法制局參事官

宮内法制局參事官

上村外務省政務局長

安東外務省條約局長

曾彌外務書記官

松平外務書記官

須山外務事務官

佐藤陸軍省軍務局長

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神原陸軍省軍務局軍務課長

岡海軍省軍務局長

竹岡大東亞省總務局長

水野大東亞省南方事務局長

萩原大東亞書記官

山田大東亞書記官

三宅大東亞事務官

堀江書記官長

諸橋書記官

高辻書記官

(午前九時開會)

於本審查委員長開會ヲ宣ス

東條内閣總理大臣ヨリ本案條約締結、経緯ニ付重

光外務大臣ヨリ本案、内容ニ付夫々説明アリ次デ重光

外務大臣ヨリ伊國ヲ變ル其、後、國際情勢ニ付報告アリ

窪田委員ヨリ本案参照、交換文書ニ関シ質問アリ青

木大東亞大臣ヨリ答辯アリ

清水委員ヨリ「ミヤニ」二州、「タイ」國編入ヲ承認シタ

ルニ付「ピラン」ニ不満ナキカ又「マライ」ニ於ケル泰國失地ニ

テ今回同國ニ編入セラル「ベナン」島及「ケルズリ」州ニ

付「タイ」側ニ回復、要求ナキカラ問ヒ東條内閣總理大臣

ヨリ曩ニ南方出張中昭南ニ於テ「バーモウ」ニ「バンコク」ニ

於テ「ピラン」ニ會見シ申入ヲ爲シタル際、情況ヲ説明シ

「ミヤニ」二州、「タイ」國編入ニ付テハ「バーモウ」ニ不満、色ナ

カリシモ「侯」心裡ニ懸念ナシトセズ事後、施策ニ遺憾

ナカシムベシ泰國ニ今回回復セシメタル失地ハ之ヲ喪失シ

タル歴史淺ク從テ回復、要望熾烈ナル地ナルニ由リ其、編

入ヲ承認セントスルモノニシテ「タイ」側ハ「マライ」四州ニ對スル

今回、措置ヲ見意外トシタル如ク「ピラン」、面上喜色溢ル

ルバカリナリト旨説明アリ同委員ハ向日泰兩文ニ疑義アリ

タル際、準備文如何ヲ問ヒ安東外務省條約局長ヨリ

外交上ノ交渉ニ依リ決定スベキモ實際上ハ日本文ニ依リ

決定セラルベキ旨答辯アリ

南委員ヨリ本件措置、國際法上、意義ニ付質問アリ

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森山法制局長官ヨリ占領國ハ占領地域ニ付シ領
土權ハ獲得シ居ラズトスルヲ國際法上、通説トシ從
テ當該地域ニ付領土割讓、如キ條約ハ之ヲ締結シ
得ザルモ他面占領國ハ占領地行政即チ軍政ヲ行ヒ居
ル以上之ヲ永ク同一、狀態ニ置カザルベキニテ、別段、
別約ナク占領地域、軍政ヲ撤廢シ、第三國ガ其、地
ヲ自己ノ領土ニ編入シ其、際何等異議ヲ稱ヘザル旨
ヲ約スルハ是又ナリ本案、日泰間條約ハ

(次頁ニ續リ)

N.O. 5

此處 以テスル旨、東條内閣總理大臣ヨリ占領軍ハ既ニ日本領
ニナリト確信ヨリ本案、措置ハ既ニ日本領ニナリト確信ヨリ本案
措置ハ此確信ニ基キタル旨、答辯アリ。同委員ハ尚本案
參照、交換文書ヲ本院ニ御諮詢ヲ奏請セラル理由ヲ問ヒ
青木大東亞大臣ヨリ條約等五條、細目協定ナルガ故ニ之ニ付御
諮詢ヲ奏請サレシ旨答辯アリ。

潮委員ヨリ本案、條約ヲ三條實施、且第四條ニ調印、白、第
六條ニ署名知ノ日ト書分ル理由ヲ問ヒ安東外務省條約局長ヨリ
同旨ニ歸スルモ、國際條約、慣例用語ニ從ヒタルニ過ギタル旨
答辯アリ。

林委員ヨリ、政府ハ本案、措置ヲ國際法ニ違反セザルモイテ
為スモノナルカヲ問ヒ東條内閣總理大臣ヨリ、國際法ハ敵國側ニ違
守スル限リ之ニ從ハ勿論ナルモ國際法、解釋ハ戰爭遂行ノ
觀點ヨリ強自見解ヲ以テスベク今回、措置ハ國際法ヨリ見
テ何等違反ナレト思料スル旨、答辯アリ。

深井委員ヨリ本案參照、交換文書ニ付質問アリ、青木大東亞
大臣ヨリ答辯アリ。

二上委員ヨリ、占領地ハ既ニ我が領ニシテ之ヲ「タイ」國ニ割譲スル
趣旨ヨリスレバ條約第一條及第二條ノ立言法ハ軟弱ナリトシ
政府ノ所見ヲ求メ、東條内閣總理大臣ヨリ無用ノ摩擦ヲ避ケ
カ為斯カル立言ヲ為タル次第ナル旨、答辯アリ。

三上委員ヨリ參照、交換文書ニ付質問アリ、東條内閣總理大臣
ヨリ説明アリ。

泉二委員ヨリ總理大臣カ裏ニ本件ノ措置ヲ「タイ」側ニ申入

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レタト、本件條約締結ト、關係ヲ問ニ東條内閣総理大臣ヨリ
機ヲ逸セラルハ政治上、要綱ヲ政務ヲ御許シテ得テ、側ニ
之ヲ申入レタルガ國家外間、約束トシテ茲ニ條約案ヲ準備シ、諮詢
奏請ヲ為シタルモ、ニテ其、問、關係ハ斷じて適法ナリト信ス
ル旨答辭アリ。

石終リ鈴木委員長、質問終了ト認メ大臣及説明員、
退席ヲ求ム

(大臣及説明員退席)

其レヨリ委員間ニ於テ協議、結果本件ハ此ハ儘可決セシ然レハ
キ旨、全会一致ヲ以テ議決シ、審査報告、作成ハ委員長ニ任シ、決
仍リ鈴木委員長閉会ヲ宣ス

(午前十一時二十五分閉会)

No. 7